

Panaji, 16th June, 1977 (Jyaistha 26, 1899)

SERIES I No. 11

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Local Self Government Department

Notification

5-8-70-LSG

- Read: 1) Government Notification No. 5-8-70-LSG, dated 22-7-1971.
- 2) Government Notification No. 5-8-70-LSG, dated 22-3-1973.
- 3) Government Notification No. 5-8-70-LSG, dated 24-1-1974.

a) Read Sr. No. 9 of item No. 3(a) of the Notification of even number dated 22nd July, 1971 as:

"Hand Carts/Bullock Carts for transport purpose" instead of "Bullock-carts for transport purpose"

b) After Sr. No. 13 of item No. 3(a) of the Notification of even number dated 22nd July, 1971 as amended by Notification No. 5-8-70-LSG, dated 22-3-1973 and 24-1-1974, the following shall be added:

"14. "Mat making"

By order and in the name of the Administrator of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary, Development.
Panaji, 30th May, 1977.

Notification

1-34-73-LSG

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Fisheries Rules, 1974 is hereby pre-published as required by sub-section (6) of Section 6 of the Indian Fisheries Act, 1897 (Central Act 4 of 1897) for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of 15 days from the date of publication of the Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to

the Government of Goa, Daman and Diu, Local Self Government Department, Secretariat, Panaji, before the expiry of the said 15 days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-sections (3) and (4) of Section 6 of the Indian Fisheries Act, 1897 (Central Act 4 of 1897) the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Fisheries Rules, 1974 namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Fisheries (Third Amendment) Rules, 1976.

(2) They shall come into force at once.

2. *Insertion of new Rule 17.*— After Rule 16 of the Goa, Daman and Diu Fisheries Rules, 1974, the following rule shall be inserted namely:—

"17. Schedule of operation of fishing nets:—

(1) The Director of Fisheries is empowered to give a schedule of operation of fishing nets such as rampan, drag net etc. to the licensees for operating their nets.

(2) If the licensee fails to observe the schedule of operation given to him, the Director of Fisheries may cancel the licence given to him.

(3) The authority competent to decide whether the schedule of operation is followed or not, shall be the Director of Fisheries or his representative."

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary, Development.
Panaji, 7th June, 1977.

Law and Judiciary Department

Notification

LD/2707/IV/77

The following Central Acts (1) The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977 (No. 13 of 1977); (2) The Prevention of Publication of Objectionable Matter

(Repeal) Act, 1977 (No. 14 of 1977) and (3) The Parliamentary Proceedings (Protection of Publication) Act, 1977 (No. 15 of 1977) which were recently passed by the Parliament and assented to by the President of India on 18th April, 1977 and published in the Gazette of India Part II, Section I dated 18th April, 1977 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 6th June, 1977.

The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977

AN
ACT

to amend the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977.

(2) It shall be deemed to have come into force on the 3rd day of February, 1977.

2. *Amendment of long title.*—In the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as the principal Act), in the long title, for the words “for laying petroleum pipelines”, the words “for laying pipelines for the transport of petroleum and minerals” shall be substituted. 50 of 1962.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (1), for the words “Petroleum Pipelines”, the words “Petroleum and Minerals Pipelines” shall be substituted.

4. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) in clause (a), the following words shall be inserted at the end, namely:—

“and different persons or authorities may be authorised to perform all or any of the functions of the competent authority under this Act in the same area or different areas specified in the notification”;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(ba) “minerals” have the meanings assigned to them in the Mines Act, 1952, and include mineral oils and stowing sand but do not include petroleum;” 35 of 1952.

5. *Amendment of section 3.*—In section 3 of the principal Act, in sub-section (1), after the words “transport of petroleum”, the words “or any mineral” shall be inserted.

6. *Amendment of section 4.*—In section 4 of the principal Act, after the words “for transporting

petroleum”, the words “or any mineral” shall be inserted.

7. *Amendment of section 6.*—In section 6 of the principal Act,—

(i) in sub-section (1),—

(a) for the words “submit a report accordingly to the Central Government”, the words, brackets and figures “either make a report in respect of the land described in the notification under sub-section (1) of section 3, or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government” shall be substituted;

(b) after the words “the Central Government shall”, the words “if satisfied that such land is required for laying any pipeline for the transport of petroleum or any mineral,” shall be inserted;

(c) the words, brackets and figures “and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 3, irrespective of whether one report or different reports have been made by the competent authority under this section” shall be inserted at the end;

(ii) in sub-section (2), for the words “in the land”, the words “in the land specified therein” shall be substituted;

(iii) in sub-section (3), for the words “no declaration under this section has been published”, the words “no declaration in respect of any parcel of land covered by that notification has been published under this section” shall be substituted;

(iv) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) No declaration in respect of any land covered by a notification issued under sub-section (1) of section 3, published after the commencement of the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Act, 1977, shall be made after the expiry of three years from the date of such publication.”.

8. *Amendment of section 7.*—In section 7 of the principal Act, in sub-section (1),—

(i) in clause (i), the word “and” at the end shall be omitted;

(ii) after clause (i), the following clause shall be inserted, namely:—

“(ia) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorised by the Central Government or such State Government or corporation to use such land for laying pipelines for transporting any mineral and where the right of user in any land has so vested for laying pipelines for transporting any mineral, it shall be lawful for such person to use such land for laying pipelines for transporting petroleum or any other mineral; and”.

9. *Amendment of section 9.* — In section 9 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely: —

“(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6, —

(a) constructs any building or any other structure, or

(b) constructs or excavates any well, tank, reservoir or dam, or

(c) plants any tree,

on that land, the Court of the District Judge within the local limits of whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such costs were a decree made by that Court.”.

10. *Amendment of section 17.* — In section 17 of the principal Act, —

(i) in sub-section (1), for the word “purposes”, the word “provisions” shall be substituted;

(ii) in sub-section (3), for the words “before the expiry of the session in which it is so laid or the successive sessions aforesaid”, the words “before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

11. *Repeal and saving.* — (1) The Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Ordinance, 1977 is hereby repealed. 2 of 1977.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

The Prevention of Publication of Objectionable Matter (Repeal) Act, 1977

AN
ACT

to repeal the Prevention of Publication of Objectionable Matter Act, 1976.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Prevention of Publication of Objectionable Matter (Repeal) Act, 1977.

2. *Repeal of Act 27 of 1976.* — The Prevention of Publication of Objectionable Matter Act, 1976, is hereby repealed.

The Parliamentary Proceedings (Protection of Publication) Act, 1977

AN
ACT

to protect the publication of reports of proceedings of Parliament.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows: —

1. *Short title, extent and commencement.* — (1) This Act may be called the Parliamentary Proceedings (Protection of Publication) Act, 1977.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of March, 1977.

2. *Definition.* — In this Act, “newspaper” means any printed periodical work containing public news or comments on public news, and includes a news-agency supplying material for publication in a newspaper.

3. *Publication of reports of Parliamentary Proceedings privileged.* — (1) Save as otherwise provided in sub-section (2), no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament, unless the publication is proved to have been made with malice.

(2) Nothing in sub-section (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good.

4. *Act also to apply to Parliamentary proceedings broadcast by wireless telegraphy.* — This Act shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station situate within the territories to which this Act extends as it applies in relation to reports or matters published in a newspaper.

Notification

LD/2707/1/77

The following Central Act The Food Corporations (Amendment) Act, 1977 (Act No. 12 of 1977) which was recently passed by the Parliament and assented to by the President of India on 11-4-1977 and published in the Gazette of India Part II, Section I dated 12-4-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 6th June, 1977.

The Food Corporations (Amendment) Act, 1977

AN
ACT

further to amend the Food Corporation Act, 1964.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Food Corporations (Amendment) Act, 1977.

(2) It shall be deemed to have come into force on the 31st day of December, 1976.

2. *Amendment of section 12A.*—In section 12A of the Food Corporations Act, 1964 (hereinafter referred to as 37 of 1964 the principal Act)—

(i) in sub-section (3), for the words, brackets and figures “subject to the provisions of sub-sections (4), (5) and (6)”, the words, brackets, figures and letters “subject to the provisions of sub-sections (4), (4A), (4B), (4C), (5) and (6)” shall be substituted;

(ii) after sub-section (4), the following sub-sections shall be inserted, namely:—

“(4A) Notwithstanding anything contained in sub-section (4),—

(a) every officer or other employee in respect of whom an order of transfer under sub-section (1) had been made before the date of commencement of the Food Corporations (Amendment) Act, 1977 (hereafter in this section referred to as the appointed day) shall, whether or not he had exercised the option under sub-section (4) before the appointed day, exercise such option within six months from the appointed day; and

(b) every officer or other employee in respect of whom an order of transfer under sub-section (1) may be made after the appointed day shall, within six months from the date of such order, exercise his option under sub-section (4),

and in each such case such option once exercised shall be final:

Provided that where an officer or other employee having exercised an option under sub-section (4) before the appointed day—

(i) has died or retired before the appointed day, or dies or retires after the appointed day, before exercising the option as required by this sub-section, or

(ii) does not exercise the option as required by this sub-section,

the option already exercised by him shall be deemed to have been validly exercised by him under sub-section (4).

(4B) Where an officer or other employee—

(a) has died or retired, or dies or retires, after an order of transfer under sub-section (1) in respect of such officer or other employee is made but before exercising the option under sub-section (4) or, as the case

may be, as required by sub-section (4A); or

(b) has died or retired, or dies or retires, before an order of transfer under sub-section (1) in respect of such officer or other employee is made,

he shall, notwithstanding anything contained in sub-section (4) or sub-section (4A),—

(i) in a case falling under clause (a), be deemed to have exercised an option under sub-section (4); and

(ii) in a case falling under clause (b), be deemed to have been transferred under sub-section (1) and exercised an option under sub-section (4),

to be governed by the leave, provident fund, retirement or other terminal benefits admissible to the employees of the Central Government in accordance with the rules and orders of the Central Government as amended from time to time:

Provided that nothing in clause (a) of this sub-section shall apply to an officer or other employee who has, before the appointed day, been paid the terminal benefits as admissible to the employees of the Corporation under the regulations made by the Corporation under this Act, unless such officer or other employee refunds in a lump sum within six months from the appointed day the amount of contributions made by the Corporation towards such terminal benefits:

Provided further that nothing in clause (b) of this sub-section shall apply to an officer or other employee who has intimated, under the proviso to sub-section (1), his intention of not becoming and employee of the Corporation.

(4C) Where an officer or other employee has exercised an option under sub-section (4), or exercises, or is deemed to have exercised, an option under that sub-section, read with sub-section (4A) or sub-section (4B), to be governed by the leave, provident fund, retirement or other terminal benefits admissible to the employees of the Central Government, such benefits shall be calculated on the basis of the pay and allowances drawn by him in the Corporation.”

3. *Repeal and saving.*—(1) The Food Corporation (Amendment) Ordinance, 1976, is hereby repealed. 16 of 1976

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

LD/2170/77

The following Notifications received from the Government of India, Ministry of Industry New Delhi, are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 6th May, 1977.

GOVERNMENT OF INDIA
MINISTRY OF INDUSTRY
Department of Industrial Development
 (Central Boilers Board)

New Delhi, the 15th February, 1977

Notification

G.S.R.—The following draft of certain regulations further to amend the Indian Boilers Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the power conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923) is published, as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after three months from the date of publication of this notification in the Official Gazette.

2. Any objections or suggestions which may be received from any person with respect to the said draft within the period so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Industry, Department of Industrial Development, Udyog Bhavan, New Delhi.

DRAFT REGULATIONS

1. These regulations may be called the Indian Boilers (... Amendment) Regulations, 1977.

2. In the Indian Boiler Regulations, 1950, in sub-clause (i) of clause (a) of regulation 282, for the asterisk mark and words "Steel Castings", the words "steel castings" shall be substituted; and in the foot-note, the corresponding Note with asterisk mark shall be omitted.

Sd/-

(S. C. DEY)

Secretary, Central Boilers Board

F. No. 6(4)/73-Boilers.

Dated: 16th February, 1977

Notification

G.S.R. The following draft of certain regulations further to amend the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published, as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after three months from the date of publication of this notification in the Official Gazette.

2. Any objection or suggestions which may be received from any person with respect to the said

draft within the period so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Industry, Department of Industrial Development, Udyog Bhavan, New Delhi.

DRAFT REGULATIONS

1. These regulations may be called the Indian Boilers (... Amendment) Regulations, 1977.

2. In the Indian Boiler Regulations, 1950, in Appendix 'K' in the list of Well-known Foundries, for S. No. 2 and the entry relating thereto, the following shall be substituted, namely:—

"2. M/s. Steelcast Bhavnagar Private Ltd., Ruvadari Road, Bhavnagar, Gujarat".

Sd/-

(S. C. DEY)

Secretary, Central Boilers Board

F. No. 8(26)/71-Boilers

New Delhi, 17th February, 1977

Notification

G.S.R. The following draft of certain regulations further to amend the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published, as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after three months from the date of publication of this notification in the Official Gazette.

2. Any objections or suggestions which may be received from any person with respect to the said draft within the period so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Industry, Department of Industrial Development, Udyog Bhavan, New Delhi.

DRAFT REGULATIONS

1. These regulations may be called the Indian Boiler (... Amendment) Regulations, 1976.

2. In the Indian Boiler Regulations, 1950, (i) for regulation 268 the following shall be substituted, namely:—

"268. Hydraulic Tests at Makers Works, Drums and similar components of the Water Tube Boilers shall be hydraulically tested on completion of manufacture at the maker's work in the presence of Inspecting Officer to 1½ times the design pressure without indication of weakness, or defect. Alternatively, this test may be made on completion of erection at site. In case of drums and headers which are to be fitted with tubes, the test may be made before

drilling tube holes but after the attachment of nozzles and similar fittings. The test pressure shall be maintained for a sufficient period to permit complete examination by the Inspecting Authority. In case of drums of 'Composite' constructions, e.g., part rivetted and part welded seams of seamless, forged drums shells with ends attached by fusion welding, the test pressure shall be the same as for the fusion welded drum.

Should the hydraulic test reveal any defect in the welded seam, it shall not be repaired unless agreed to by the Inspecting Authority.

On completion of agreed repairs to a drum which has previously been stress-relieved by heat treatment, further heat treatment, if required by the Inspection Authority, shall be done and the drums shall again be subjected to the hydraulic test";

(ii) in regulation 379, for clause (a), the following shall be substituted, namely:—

(a) subject to the provisions of sub-regulation (c) of regulation 381 every boiler shall be hydraulically tested after erection on site in the presence of the Inspector to $1\frac{1}{4}$ times the design pressure, without indication of weakness or defect. If the process of manufacture has not permitted the hydraulic test of the component in the manufacturer's plant, the test on completion shall in any case be taken to $1\frac{1}{2}$ times the design pressure. The hydrosatic test pressure shall be maintained for a sufficient period to permit complete examination by the Inspector".

Sd/-

(S. C. DEY)

Secretary, Central Boilers Board

F. No. 6(11)/73-Boilers